

-6-

David L. Graumann
Appl. No. 10/024,814

Remarks

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing Amendment to the Claims, claims 1-25 are pending in the application, of which claims 1, 8, 12, and 23 are independent. By the foregoing Amendment, claim 14 is sought to be amended to correct for insufficient antecedent basis. No new matter is embraced by this amendment and its entry is respectfully requested. Based on the above Amendment and the remarks set forth below, it is respectfully requested that the Examiner reconsider and withdraw all outstanding objections and rejections.

Allowed Claims

Applicant would like to thank the Examiner for allowed claims 23-25.

Allowable Claims

The Examiner, on page 6 of the Office Action, states that claims 2-4, 6-7, and 9-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant would like to thank the Examiner for the indication of allowable subject matter. Applicant respectfully believes that the base claims are allowable over the cited art. Thus, at this time, Applicant has not amended the base claims to include the allowable subject matter indicated in claims 2-4, 6-7, and 9-10. Applicant respectfully reserves the right to amend the base claims in the future to include the allowable subject matter if deemed necessary to bring the case to allowance.

-7-

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Appl. No. 10/024,814

Rejection under 35 U.S.C. § 112, second paragraph

The Examiner, on page 2 of the Office Action, has rejected claim 14 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner states that there is insufficient antecedent basis for the limitation "the microphone array" in line 1 of claim 14. Applicant has amended claim 14 to depend from claim 13 instead of claim 12 to overcome this rejection. Applicant respectfully requests that the Examiner review amended claim 14 and withdraw this rejection.

Rejection under 35 U.S.C. § 102

The Examiner, on page 2 of the Office Action, has rejected claims 1 and 5 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,903,871 to Terui *et al.* (hereinafter "Terui"). Applicant respectfully traverses this rejection. Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

To anticipate a claim of a pending application, a single reference must disclose each and every element of the claimed invention. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1397 (Fed. Cir. 1986). The exclusion of a claimed element from the single source is enough to negate anticipation by that reference. *Atlas Powder Co. v. E.I. du Pont de Nemours & Co.*, 750 F.2d 1569, 1574 (Fed. Cir. 1984).

With respect to claim 1, Terui does not teach or suggest every element of Applicant's claimed invention. For example, Terui does not teach or suggest Applicant's

-8-

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Appl. No. 10/024,814

claimed elements of: "a light-emitting device inside the enclosure" and "wherein the light emitted through the opening is only visible to a speaker when the speaker's mouth is within a sensitivity region of a microphone."

Unlike the present invention, Terui teaches a voice recording and/or reproduction apparatus that comprises a light-emitting diode (LED) for indicating, when lit, that the voice recording and reproducing apparatus is in the voice recording mode. *Terui*, col. 8, lines 51-56. Thus, contrary to the present invention, Terui's LED sits on top of the enclosure, the location of the LED enables the light emitted from the LED to be visible to anyone in its view, and the location of the microphone and the LED do not cause the LED to be "only visible to a speaker when the speaker's mouth is within a sensitivity region of a microphone." Furthermore, the light emitted from the LED in Terui is to indicate that the voice recording and reproducing apparatus is in the voice recording mode, not as an indicator to the speaker when the speaker's mouth is within the sensitivity region of the microphone as indicated in claim 1.

Thus, for at least the foregoing reasons, Applicant respectfully submits that independent claim 1, and the claims that depend therefrom (claims 2, 3, 4, 5, 6, and 7) are not anticipated by Terui. Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of independent claim 1, and claim 5 that depends therefrom.

The Examiner, on page 3 of the Office Action, has rejected claims 1, 8, and 11 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,805,717 to Mills. Applicant respectfully traverses this rejection. Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

-9-

David L. Graumann
Appl. No. 10/024,814

As indicated above, to anticipate a claim of a pending application, a single reference must disclose each and every element of the claimed invention. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1397 (Fed. Cir. 1986). The exclusion of a claimed element from the single source is enough to negate anticipation by that reference. *Atlas Powder Co. v. E.I. du Pont de Nemours & Co.*, 750 F.2d 1569, 1574 (Fed. Cir. 1984).

With respect to claims 1 and 8, Mills does not teach or suggest every element of Applicant's claimed invention. For example, Mills does not teach or suggest Applicant's claimed element of: "wherein the light emitted through the opening is only visible to a speaker when the speaker's mouth is within a sensitivity region of a microphone."

Unlike the present invention, Mills teaches that the light emitted from LED 28, which is visible to the user, indicates that the microphone is activated (*Mills*, col. 2, lines 49-50), not that the speaker's mouth is within a sensitivity region of the microphone. In fact, LED 28 is activated when the user provides a switch input that activates a membrane switch, which in turn causes a switch control to remove a signal normally provided to an audio attenuator and a current diverter. *Mills*, col. 2, lines 35-42. The removal of the signal causes current to flow through LEDs 28 and 32. *Mills*, col. 2, lines 42-48. Thus, unlike the present invention, a switch activated by the user turns on the LED to indicate that the microphone system is ON, not to indicate that the speaker's mouth is within a sensitivity region of the microphone as taught by claims 1 and 8.

Further, contrary to the present invention, Mills also teaches that LED 32, when emitting light, activates a light sensitive switch of a light sensitive relay block, which closes, thereby causing, for example, a video camera to direct its focus to the user of the

-10-

David L. Graumann
Appl. No. 10/024,814

microphone. *Mills*, col. 2, line 66 – col. 3, line 5. Thus, neither LED 28 nor LED 32 of *Mills* indicates that the speaker's mouth is within a sensitivity region of the microphone as taught by claims 1 and 8.

Thus, for at least the foregoing reasons, Applicant respectfully submits that independent claims 1 and 8, and the claims that depend therefrom (claims 2-7 and 9-11, respectively) are not anticipated by *Mills*. Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of independent claims 1 and 8, and dependent claim 11 that depends from claim 8.

Rejection under 35 U.S.C. § 103

The Examiner, on page 4 of the Office Action, has rejected claims 12-22 under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of U.S. Patent No. 5,805,717 to *Mills*. Applicant respectfully traverses this rejection. Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

With regards to independent claim 12, the Examiner states that:

AAPA disclose a microphone having a sensitivity region. And, *Mills* discloses a LED for emitting light to specifically to the user when in use. However, AAPA and *Mills* fails to specifically disclose the microphone having a plug for coupling, and having a LED. A microphone having a plug and the use of LEDs are common features of a microphone. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of AAPA and *Mills* by providing a plug comprising a LED for the purpose [of] emitting a visual indication [to] the user about the function of the microphone as indicated by *Mills*.

-11-

David L. Graumann
Appl. No. 10/024,814

Applicant agrees that neither AAPA nor Mills teaches Applicant's element of: "a plug capable of coupling to the microphone, the plug having an enclosure and a light-emitting device inside the enclosure to provide visual feedback to direct a speaker to stay within the sensitivity region." Applicant respectfully disagrees that a microphone having a plug and the use of LEDs are common features of a microphone, and that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of AAPA and Mills by providing a plug comprising a LED for the purpose [of] emitting a visual indication [to] the user about the function of the microphone as indicated by Mills.

As indicated above, the function of the LEDs in Mills is not "to provide visual feedback to direct a speaker to stay within the sensitivity region," as recited in independent claim 12. To the contrary, the LEDs in Mills are used to indicate that the microphone system is ON or to cause, for example, a video camera to direct its focus to the user of the microphone.

Thus, neither AAPA nor Mills, separately or in combination, teach or suggest Applicant's claimed invention as recited in independent claim 12. For at least the foregoing reasons, Applicants respectfully submit that independent claim 12, and the claims that depend therefrom (claims 13-22) are patentable over AAPA and Mills. Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of independent claim 12, and the claims that depend therefrom (13-22).

-12-

David L. Graumann
Appl. No. 10/024,814**Conclusion**

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all currently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below

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